

City Council Introduction: **Monday**, October 13, 2003
Public Hearing: **Monday**, October 20, 2003, at **1:30 p.m.**

Bill No. 03R-290

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 2033**, requested by John Boehm on behalf of THN, L.L.C., for authority to sell alcoholic beverages for consumption on the premises in connection with the Café de Mai and Season Banquet Hall, on property located at 2535 "O" Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 10/01/03
Administrative Action: 10/01/03

STAFF RECOMMENDATION: Conditional approval.

RECOMMENDATION: Conditional Approval (7-0: Carlson, Duvall, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that the licensed premises complies with all the applicable criteria for a special permit for the sale of alcohol, including being located in excess of 100' away from a residence, a residential district, and a day care facility. This request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.
2. On October 1, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. On October 1, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated September 17, 2003. The conditions of approval are found on p.5.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 7, 2003

REVIEWED BY: _____

DATE: October 7, 2003

REFERENCE NUMBER: FS\CC\2003\SP.2033

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 1, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #2032
Special Permit #2033

PROPOSAL: Special Permit #2032 - To allow the sale of alcoholic beverages for consumption off the premises in connection with the Oasian International Market.

Special Permit #2033 - To allow the sale of alcoholic beverages for consumption on the premises in connection with the Café de Mai and Season Banquet Hall.

CONCLUSION: The licensed premises in both these requests complies with all the applicable criteria for a special permit for the sale of alcohol, including being located in excess of 100' away from a residence, a residential district, and a day care facility. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1, 2 and 3, Block 2, J.O. Youngs East Lincoln, Lincoln, Lancaster County, Nebraska, and the east 137.5 feet of the east-west alley lying between N Street and O Street from the west right-of-way line of vacated 26th Street to the east right-of-way line of 25th Street in Lincoln, Lancaster County, Nebraska.

LOCATION: 2535 O Street

EXISTING ZONING: B-3 Commercial

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-3
South:	Non-profit Institution	B-3, O-2
East:	Commercial	B-3
West:	Commercial	B-3

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates commercial land uses in this area

ANALYSIS:

OVERVIEW: The applicant is proposing to re-use the former office supply building on this site and convert the floor area into a multi-use facility. The proposed uses include a grocery store, a restaurant, a banquet facility, video rental store, a beauty salon, insurance, and other as yet undetermined uses.

This report covers two requests for the sale of alcohol - one for off-sale in conjunction with the grocery store (Oasian International Market), and the other for on-sale in conjunction with the restaurant (Café de Mai and Season Banquet Hall). The Zoning Ordinance requires separate special permits for either on or off-sale, and as a result each has its own analysis section and recommended conditions of approval so each application can be considered separately.

Special Permit #2033 - Café de Mai and Season Banquet Hall

1. SPECIAL PERMIT REQUIREMENTS PER LMC 27.63.680: Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions, which can be waived by the City Council:

(a) Parking shall be provided on-site at the ratio of one space per 100 square feet of gross floor area.

The parking provided complies with this requirement, and continued compliance will be reviewed at the time of building permits.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under Section 27.63.685 of this code.

This application is for a special permit to allow for the sale of alcohol for consumption on the premises. The sale of alcohol for consumption off the premises is being requested with Special Permit #2032.

(c) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.

There are no day care facilities, residences or residential districts within 100' of the premises. The nearest residential district is to the south in excess of 150' away. The nearest non-commercial use is the Lighthouse. It is located southwest of the premises and is classified as a non-profit philanthropic facility.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

No new lighting is proposed. However, any new lighting will be required to comply with the Design Standards for parking lot lighting (Design Standards Chapter 3.45, Section 3.8).

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not shown as part of the restaurant or banquet hall.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

An amplified outside noise source is not shown as part of this request.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The front door does not face a residential district, the nearest of which is in excess of 150' away.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to this site is from both O Street and South 25th Street, neither of which are residential streets.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or

(2) Repeated violations related to the operation of the permittee's business.

Planning Commission review and City Council approval is required for this use.

2. POLICE RESPONSE: The Police Department does not object to these requests as long as the licensed premises is more than 100' from a residence, a residential district or a day care facility.

3. PUBLIC WORKS RESPONSE: Public Works and Utilities had no objections to these special permit requests.

Special Permit #2033

Site Specific:

1. This approval permits the sale of alcohol for consumption on the premises as shown on the site plan.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a revised final plan with 5 copies.
 - 2.2 The construction plans shall comply with the approved plans.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will
Planner
September 17, 2003

**APPLICANT/
OWNER:**

THN, LLC
2535 O Street
Lincoln, NE 68510
(402) 476-7311

CONTACT:

John Boehm
3120 Orwell Street
Lincoln, NE 68508
(402) 475-0811

SPECIAL PERMIT NO. 2033

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

October 1, 2003

Members present: Carlson, Duvall, Larson, Marvin, Steward, Bills-Strand and Taylor; Krieser absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 2032, SPECIAL PERMIT NO. 2033, SPECIAL PERMIT NO. 2034, SPECIAL PERMIT NO. 2035, STREET AND ALLEY VACATION NO. 03010 and STREET AND ALLEY VACATION NO. 03011.**

Item No. 1.6, Street and Alley Vacation No. 03011, was removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Marvin and carried 7-0: Carlson, Duvall, Larson, Marvin, Steward, Bills-Strand and Taylor voting 'yes'; Krieser absent.

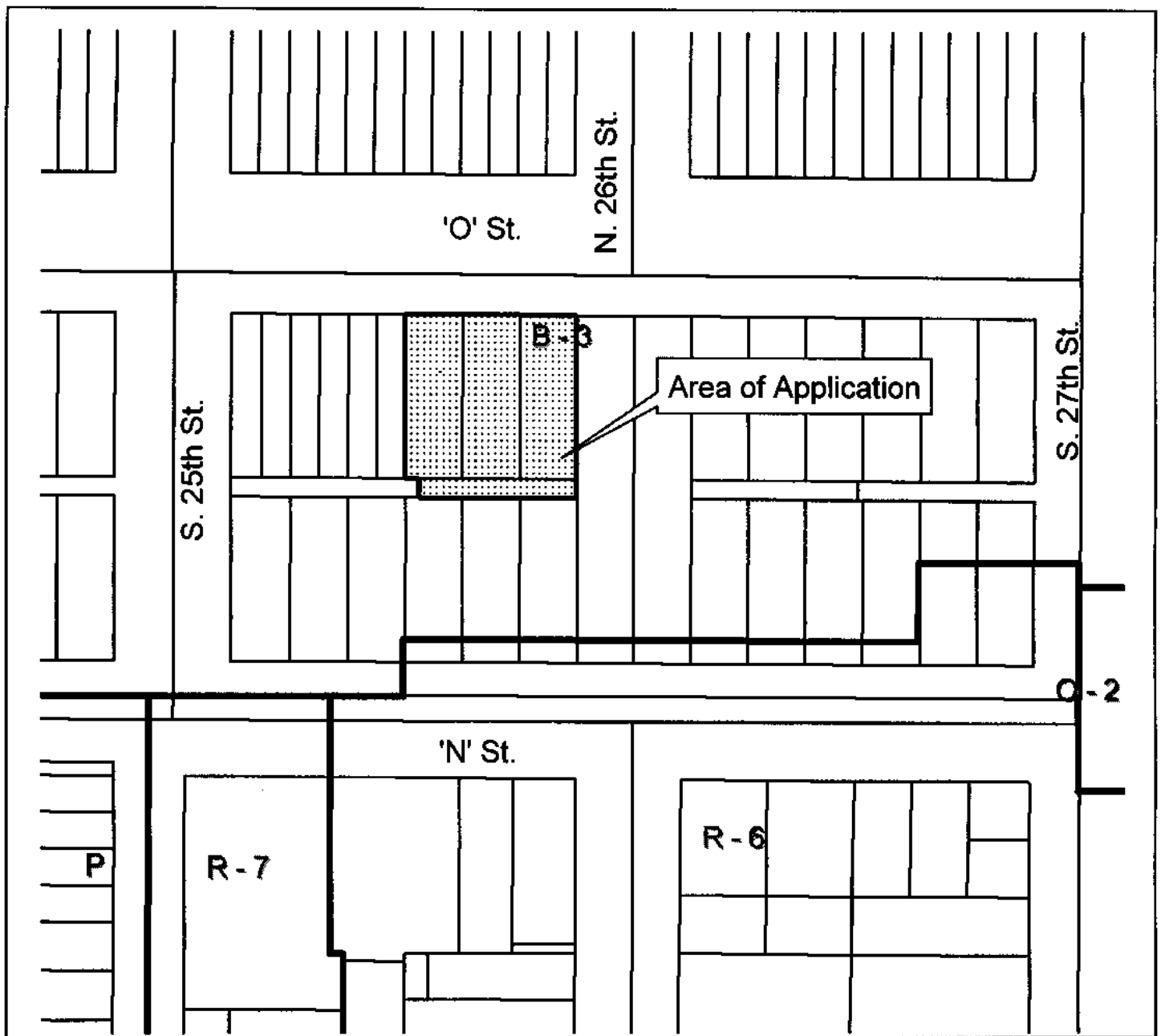
Note: This is final action on Special Permit No. 2034 and Special Permit No. 2035, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Special Permit #2032 & #2033
2535 'O' St.
Off-Sale and On-Sale Liquor



Lincoln City - Lancaster County Planning Dept.
2002 aerial



Special Permit #2032 & #2033

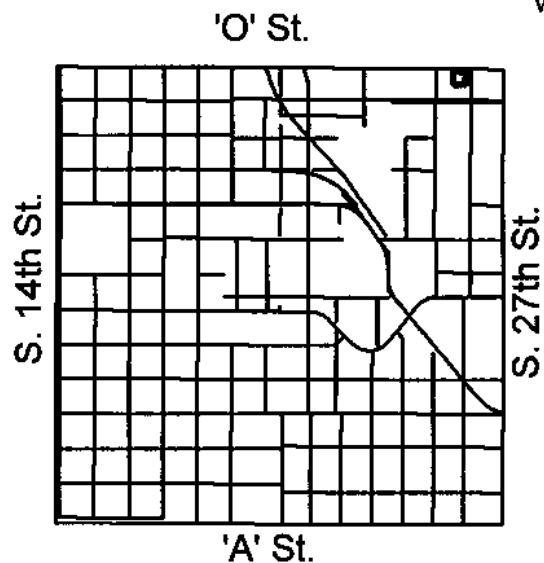
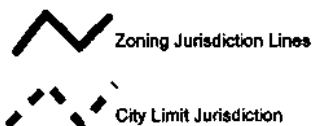
2535 'O' St.

Off-Sale and On-Sale Liquor

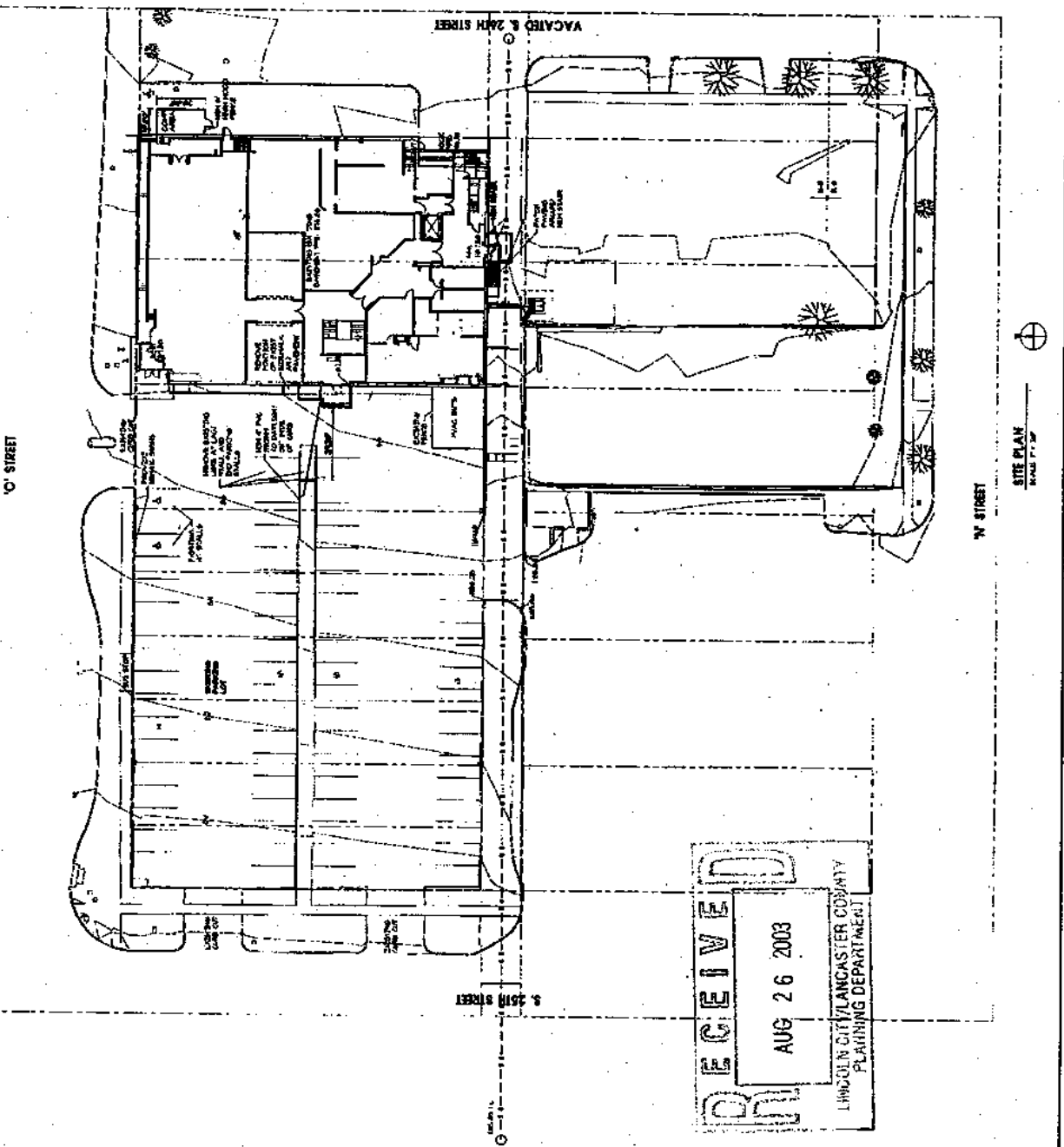
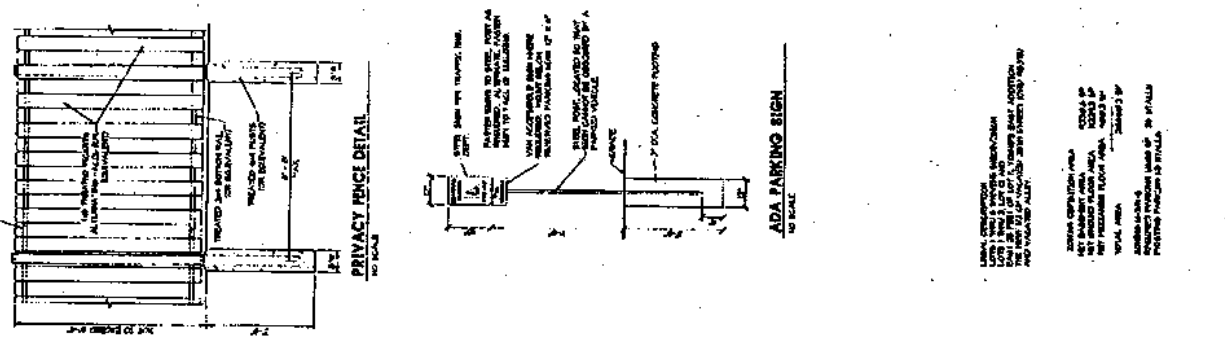
Zoning:

One Square Mile
Sec. 25 T10N R6E

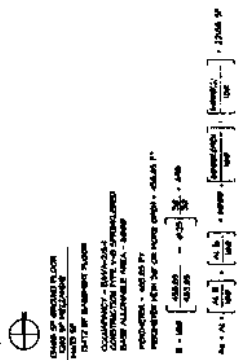
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



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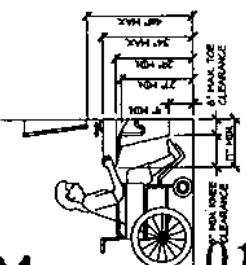
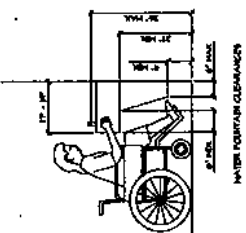
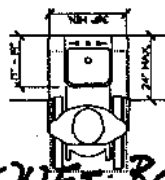
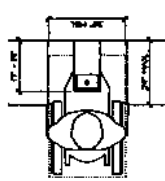
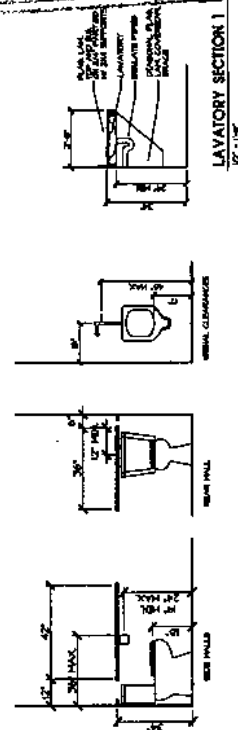
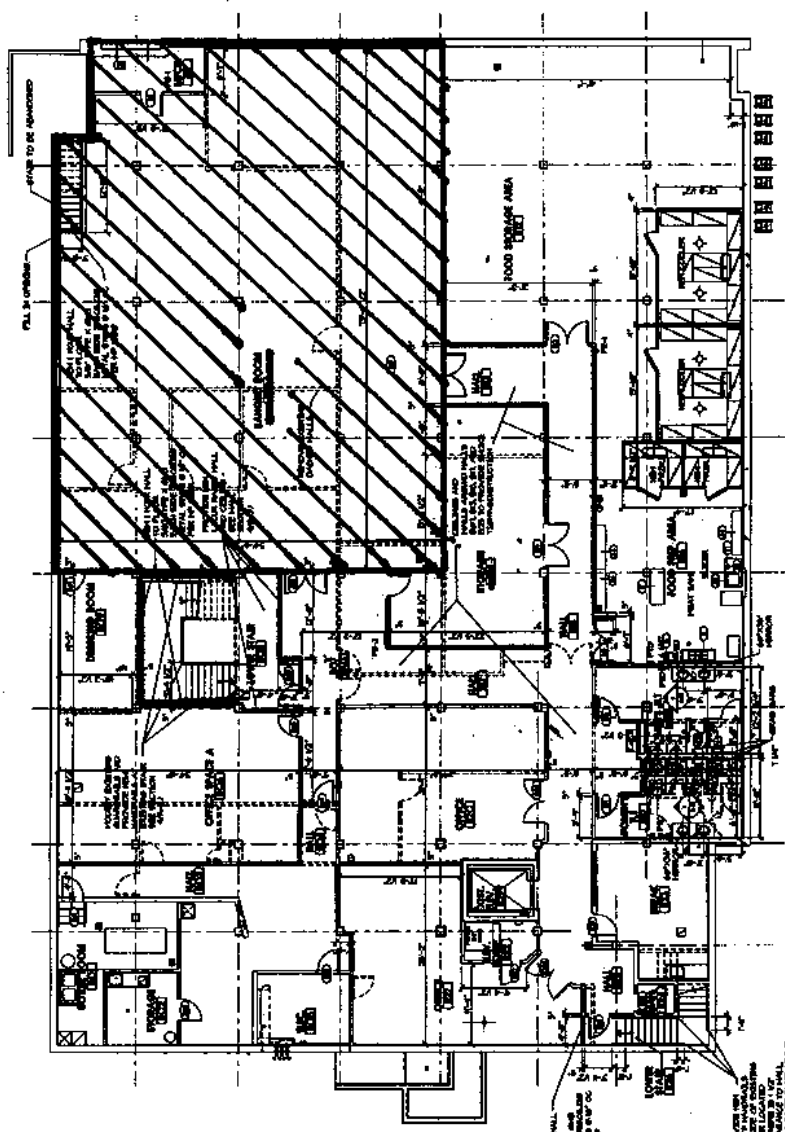
MEZZANINE FLOOR PLAN

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SP#2033 - CAFE de MAI

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TOILET ACCESSORIES

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SP# 2033 - SEASON BANQUET ROOM

1012



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

09/08/2003 01:02 PM

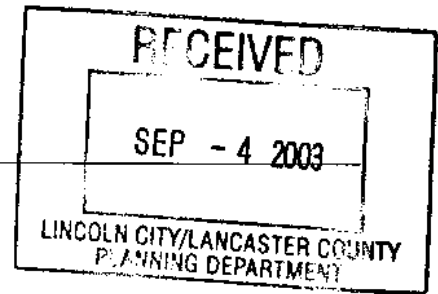
To: Brian Will <BWill@ci.lincoln.ne.us>
cc:
Subject: OAsian International Market

Mr. Will,

The Lincoln Police Department does not object to the OAsian International Market Alcohol Sales Special Permit for Off-Sale as long as the licensed premises is more than 100 feet from a dare care facility, residential district or residential use.

Sergeant Michael Woolman
Lincoln Police Department

M e m o r a n d u m



To: Brian Will, Planning Dept.
From: BB
Bruce Briney, Public Works and Utilities
Subject: Special Permit #3032, OAsian International Market
Alcohol Sales Special Permit
Date: September 4, 2003
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #3032, Alcohol Sales for OAsian International Market, located at South 26th Street and 'O' Street. Public Works has no objection to the application.